

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
GARY CRUZ, and CLAUDE PAIN,	:
Individually and on behalf of all others	:
similarly situated,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
TD BANK, N.A.,	:
	:
Defendant.	:
-----X	

Case No.: 10-CV-8026 (PKC)

**NOTICE OF TD BANK, N.A.'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Justin Joseph D'Elia in Support of this Motion and Memorandum of Law, defendant TD Bank, N.A., by and through undersigned counsel, will and hereby does move this Court before the Honorable P. Kevin Castel, United States District Judge, U.S. District Court for the Southern District of New York, Courtroom 12C, 500 Pearl Street, New York, NY 10007, pursuant to Rule 12(b)(6), of the Federal Rules of Civil Procedure, as set forth more fully in the accompanying memorandum of law, for an Order dismissing Plaintiff's Complaint.

Dated: New York, New York
April 11, 2011

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